

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Christopher Bernard Robinson,

Plaintiff,

Case No. 23-10908

v.

Judith E. Levy

United States District Judge

Michael Bruce Smith, Jr., et al.,

Mag. Judge David R. Grand

Defendants.

_____/

**ORDER GRANTING PLAINTIFF’S MOTION TO WAIVE FEES
AND COSTS [2] AND PLAINTIFF’S MOTION TO
DISMISS WITHOUT PREJUDICE [5]**

On or about April 19, 2023, Plaintiff Christopher Bernard Robinson filed this action against Defendants Michael Bruce Smith, Jr., Allstate, Progressive, Jessica Yates, and Yiganis Bello. (ECF No. 1.) Plaintiff also filed a motion to waive fees and costs, which the Court construes as an application to proceed without prepaying fees or costs.¹ (ECF No. 2.)

Federal courts “may authorize the commencement . . . of any suit, action or proceeding . . . without prepayment of fees . . . by a person who

¹ This is also referred to as proceeding *in forma pauperis*.

submits an affidavit that includes a statement . . . that the person is unable to pay such fees.” 28 U.S.C. § 1915(a)(1). Plaintiff’s motion indicates that he is “not currently employed” and “diagnosed as being disabled with serious injuries from an automobile accident.” (ECF No. 2, PageID.51.) He also indicates that he has “no source of income to pay for . . . court filings” and “does not have any income.” (*Id.* at PageID.51–52.) Given Plaintiff’s lack of income and inability to pay the filing fee, the Court finds that Plaintiff satisfies the requirements of 28 U.S.C. § 1915(a)(1). Accordingly, the Court grants Plaintiff’s motion to waive fees and costs and permits Plaintiff to proceed *in forma pauperis*.

On May 11, 2023, Plaintiff filed a motion to dismiss without prejudice.² (ECF No. 5.) In the motion, Plaintiff indicates that he would “like to dismiss his civil suit against . . . [D]efendants till a[] later date and time without prejudice” because he “made some critical errors in his suit” and would “like to be given a chance to correct those mistakes in a timely ma[nn]er and later refile his suit.” (*Id.* at PageID.51–52.) The Court construes this motion as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41. *See* Fed. R. Civ. P. 41(a)(1)(A)(i)

² The Court apologizes for the delay in resolving this motion.

(Subject to . . . any applicable federal statute, the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”) Here, Defendants have not yet appeared in this action nor filed an answer or motion for summary judgment. As such, Plaintiff is entitled to voluntary dismissal without prejudice under Rule 41(a)(1)(A)(i).

For the reasons set forth above, the Court GRANTS Plaintiff’s motion to waive fees and costs (ECF No. 2) and GRANTS Plaintiff’s motion to dismiss without prejudice. (ECF No. 5.) Plaintiff’s complaint is DISMISSED WITHOUT PREJUDICE.

Additionally, because the complaint contains unredacted personal information in violation of Federal Rule of Civil Procedure 5.2, the Court DIRECTS the Clerk’s Office to SEAL Plaintiff’s complaint. (ECF No. 1.)

IT IS SO ORDERED.

Dated: March 4, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 4, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager